

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)

ROBERTO CLAROS et al.,

Plaintiffs,

v.

SWEET HOME IMPROVEMENTS, INC.,
et al.,

Defendants

Case No: 1:16-CV-344-AJT-MSN

Hearing Date: August 5, 2016
10:00 a.m.

Declaration of Nicholas Marritz, Esq.

1. My name is Nicholas Cooper Marritz (VSB No. 89795). I am over 18 years of age and competent to make this declaration.
2. I am a staff attorney with the Immigrant Advocacy Program at the Legal Aid Justice Center (LAJC). I am a 2011 graduate of the University of Washington School of Law. I have been admitted to practice law in California since June 2012 and in Virginia since January 2016 (when I was also admitted to practice before this Court).
3. As a staff attorney with LAJC, a large part of my docket consists of plaintiff-side litigation under the Fair Labor Standards Act, in both state and federal court.
4. I am fluent in both English and Spanish and communicate with Plaintiffs exclusively in Spanish.



5. Prior to joining LAJC, I served as a staff attorney with Farmworker Justice in Washington, D.C., representing low-wage immigrant farmworkers in federal courts across the country, including in the following cases involving the Fair Labor Standards Act:

- *Villalobos v. Calandri Sonrise Farms LP*, 2:12-cv-2615 (C.D. Cal.)
- *Smith v. Bulls-Hit Ranch & Farm*, 3:12-cv-449 (M.D. Fla.)
- *Jimenez v. GLK Foods, LLC*, 1:12-cv-209 (E.D. Wis.) and *Ramirez v. GLK Foods, LLC*, 1:12-cv-210 (E.D. Wis.)
- *Ruiz v. Fernandez*, 2:11-cv-3088 (E.D. Wash.) (not counsel of record)

6. I am counsel of record in one other FLSA case currently pending before the Eastern District of Virginia: *Rivas v. Saldivar & Assoc's, Inc.*, No. 1:16-cv-343-LMB-JFA.
7. I am seeking a rate of \$320 per hour, which is the rate which Judge Ellis recently approved for me in another recent FLSA case before this court, *Avila Flores v. Rababeh*, No. 1:15-cv-1415-TSE-TCB. (June 15, 2016, Dkt. No. 30 at 18) (magistrate's report and recommendation); (July 13, 2016, Dkt. No. 31) (adopting magistrate's report and recommendation).
8. According to my time records, which I entered contemporaneously into our case-management software, JusticeServer, I spent a total of 49.4 hours on matters relating solely to the discovery disputes in this case. In the exercise of billing discretion, I then eliminated various time entries, including and all time entries related to planning case strategy and supervision with my co-counsel Simon Sandoval-Moshenberg. I have also eliminated or reduced various other time entries in this case.
9. After making a good-faith evaluation of all recorded hours of work performed in relation to the discovery disputes in this case, the chart accompanying this declaration lists only those time entries that I believe to have been fair and reasonably necessary.

10. Accordingly, I am seeking a fee award of 28 hours, or a little more than 50% of the total time I spent on the discovery disputes in this case. $28 \text{ hours} \times \$320/\text{hour} = \$8,960$ in fees.

11. Plaintiffs have incurred no compensable costs specifically related to these discovery disputes.

Accordingly, Plaintiffs do not seek an award of costs at this time.

12. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

By: 
Nicholas Cooper Marritz (VSB No. 89795)
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Counsel for Plaintiff

Date: July 27, 2016

Adjusted Time Entries of Nicholas Marritz
Claros v. Sweet Home Improvements, Inc. (E.D. Va.)
(Adjusted for Billing Discretion)

Date	Activity	Time
6/7/2016	TC with Jason Huh re discovery deadline	0.1
6/7/2016	Email to Jason Huh re discovery deadline	0.2
6/7/2016	Email to Jason Huh memorializing discovery call	0.2
6/10/2016	Researching and drafting motion to compel	1.6
6/10/2016	Left message on opposing counsel's cell phone re motion to compel	0.1
6/10/2016	Left message with opposing counsel's receptionist re motion to compel	0.1
6/10/2016	Email to opposing counsel re motion to compel	0.2
6/13/2016	TC with opposing counsel to arrange meet-and-confer tomorrow	0.2
6/13/2016	Working on motion to compel	0.7
6/14/2016	Analyzing and compiling table of discovery deficiencies	1.5
6/14/2016	Telephonic meet-and-confer with opposing counsel	1.3
6/14/2016	Writing email to opposing counsel, summarizing our meet-and confer	0.9
6/20/2016	Working on motion to compel	1.8
6/21/2016	Researching and writing motion to compel	2.3
6/22/2016	Finalizing motion to compel	1.7
6/23/2016	Analyzing Ds' supplemental discovery responses and compiling remaining deficiencies	1.6
6/23/2016	Email to opposing counsel re remaining deficiencies	0.3
6/28/2016	TC to opposing counsel re motion to compel. Left message with a receptionist.	0.1
6/28/2016	TC with opposing counsel re motion to compel	0.2

6/28/2016	Researching motion to compel	1
6/29/2016	Drafting Notice to Court re motion to compel	1.1
6/29/2016	Researching and drafting reply brief re motion to compel	2.1
7/7/2016	Preparing for motion-to-compel hearing	0.6
7/8/2016	Travel to / from hearing	1
7/8/2016	Hearing on motion to compel	0.6
7/19/2016	Researching and drafting brief in support of contempt & sanctions	0.8
7/25/2016	Researching and writing brief in support of contempt & sanctions	2.6
7/26/2016	Researching and writing brief in support of contempt & sanctions	2.4
7/27/2016	Drafting motion and notice of hearing	0.2
7/27/2016	Drafting attorney's fee declaration and table of adjusted time entries	0.5